

1. The Court has jurisdiction of this matter pursuant to the Covenant to Establish a Commonwealth of the Northern Mariana Islands In Political Union With the United States of America (authorizing Congress to establish this Court), 48 U.S.C. § 1821-22 (establishing this

1 Court and granting it the jurisdiction of a district court of the United States), 28 U.S.C. § 1331
2 (federal question jurisdiction), 28 U.S.C. § 1343 (jurisdiction over civil rights actions), and 28
3 U.S.C. § 1367 (supplemental jurisdiction). Venue is proper in this district under 28 U.S.C. §
4 1391(b) and (c) and 42 U.S.C. §2000 e-(f)(3).

5 2. Mr. Yaquinto has satisfied all procedural conditions prior to instituting this
6 lawsuit.

7 3. Plaintiff timely filed a discrimination charge against Defendants with the Equal
8 Employment Opportunity Commission (EEOC), and received notice of his right to sue from the
9 EEOC within ninety days of the filing of this Complaint.
10

11 **PARTIES**

12 4. Mr. Yaquinto is a citizen of the United States presently residing in Houston,
13 Texas. At all times pertinent to this Complaint, he was employed at Commonwealth Utilities
14 Corporation (“CUC” or “Defendant”), Saipan, CNMI. He is a certified public accountant with
15 over 25 years of experience as a senior financial executive. Before working for CUC, Mr.
16 Yaquinto provided financial, technical and commercial advice to multiple companies throughout
17 the world, many of which were utility companies.
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19 5. CUC is a government instrumentality of the CNMI within the CNMI Government
20 headed by an executive Director. At all times pertinent to this Complaint, CUC was an employer
21 of Plaintiff within the meaning of Title VII of the Civil Rights Act of 1964 and 42 U.S.C.
22 §2000e(b)(g) and (h).
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24 6. Plaintiff at this time, does not know the true names and capacities of Does 1-5.
25 Therefore, Mr. Yaquinto is suing the Doe defendants using fictitious names. Plaintiff reserves
26 the right to amend the complaint to name one or more Doe defendants at the time Plaintiff learns
27 their true identities.
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1 included comprehensive management and leadership for CUC, including leading the finance,
2 procurement and information technology departments, policy developments and interpretation,
3 administration programs, process, functions, and hiring staff. Mr. Yaquinto reported directly to
4 CUC's Board of Directors.

5 11. CUC hired and promoted Gary Camacho ("Mr. Camacho") as the acting
6 Executive Director of CUC in order to be able to circumvent the requirements of the Stipulated
7 Orders and oversight of the United States District Court. Mr. Camacho was not qualified to be
8 CUC's Executive Director. But, as defined herein, he is of Northern Marianas descent.

9 12. On or about May 24, 2016, in his capacity as CFO of CUC released a report that
10 CUC was suffering significant financial troubles which the CNMI media interpreted and printed
11 as saying CUC was essentially bankrupt.

12 13. The very next day, May 25, 2016, without review or explanation, Mr Camacho,
13 acting at the direction of CUC, terminated Mr. Yaquinto's contract "without cause". However,
14 Mr. Camacho did not have the appropriate authority to do so as Mr. Yaquinto's contract stated
15 he reported directly to the Board of Directors. Also Mr. Camacho was hired and retained
16 illegally as he did not meet the statutory requirements of 4 CMC 8133(a) in order to be an
17 Executive Director.

18 14. It is stated in his contract that he can be terminated for "without cause", but Mr.
19 Yaquinto had never been given a review or any written derogatory information as to his
20 performance as CUC's CFO or otherwise informed by Mr. Camacho, former Executive
21 Directors, or the Board of Directors that that his work was anything other than excellent.
22 Instead that the real reason CUC terminated him was due to his national origin (European), his
23 color (white) and his race (Caucasian).

1 15. Mr. Yaquinto is not from Saipan, where the local residents are of Chamorro or
2 Carolinian decent (colloquially known as "NMI Descent"), and a different color and race than
3 him. He was pressured by members of the Board to hire only persons of NMI descent and when
4 Plaintiff made decisions based on merits, not race, the Board members started to accuse Mr.
5 Yaquinto of being discriminatory against "locals", i.e., persons of Northern Marianas descent.

6 16. Later his suspicions were confirmed when CUC (October 2016) hired a new
7 Chief Financial Officer, who is from Saipan and does not have the qualifications to be a CFO of
8 CUC, but who is of NMI Descent. In fact, he does not meet the minimum requirements of being
9 the CFO at CUC or any other utility company similarly situated as CUC especially an electric,
10 water and waste-water utility. Additionally, other prominent officials of CUC, who were also
11 white and Caucasian, and had hard-to-fill federally funded jobs with CUC were either forced to
12 resign or were terminated.

13 17. Immediately after being fired, Mr. Yaquinto attempted to file a grievance with
14 CUC but the Board of Directors refused to hear his grievance.

15 18. During Plaintiff's employment from the day he started to the day he was
16 terminated, Mr. Yaquinto was constantly harassed by the Board of the Directors and later by
17 Mr. Camacho. This created a hostile work environment that made working at CUC very
18 difficult. The offensive conduct was continuous during his employment and created a hostile
19 work environment.

20 19. During almost every Board meeting or Board committee meeting that he attended
21 during his employment, the majority of Board members would accuse Plaintiff of various things
22 that were not true (i.e. discriminating against locals by making hiring decisions based only on
23 merit, having an "agenda" other than the Board's such as disclosing CUC's real economic
24 25 26 27 28

1 situation, not providing information timely). Mr. Yaquinto was constantly chastised and yelled
2 at (or spoken to rudely) at open and closed (or Executive Session) Board meetings.

3 20. This harassment also included actions of the Acting Executive Director, Gary
4 Camacho. He became the Acting Executive Director in December 2015 and until the day Mr.
5 Yaquinto was terminated (June 25, 2016), he constantly harassed him about the similar items as
6 the Board did and described above on information and belief based on directions by the Board
7 and so as to keep his job.

8 21. These actions by CUC's Directors and Mr. Camacho were motivated by a bias
9 due to his national origin, race and color - - because he was not of NMI Descent. Those of the
10 NMI Descent and race were not treated this way. On information and belief, the Board's actions
11 were intended to make Mr. Yaquinto resign so he could be replaced with a person of NMI
12 descent or race, - - as occurred with other white, Caucasians of European descent who held high
13 positions at CUC.
14

15 22. Because of this bias against white, European, Caucasians, Plaintiff Matthew
16 Yaquinto was subjected to retaliation by Defendant CUC, including but not limited to further
17 harassment on the job, onerous and/or demeaning work assignments, and finally the termination
18 of his employment contract.
19

20 23. Defendant CUC knew or should have known of the actions of the actions of its
21 Directors, and Mr. Camacho and John Doe Defendants' actions, but failed to take remedial
22 action.
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24 24. The actions of Defendant set forth in this Complaint were taken intentionally, and
25 with malice or reckless indifference to the protected rights of Plaintiff within the meaning of 42
26 U.S.C. § 2000e-5(g)(1) and § 1981a(b)(1).
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1 25. All of CUC's employees, supervisors, officers and directors and managers actions
2 and inaction towards Mr. Yaquinto were unlawful discriminatory conduct attributable to CUC.

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4 **First Cause Of Action-Unlawful Employment Practices**

5 26. Paragraphs 1-25 of the Complaint are realleged and incorporated here by
6 reference.

7 27. Title 42, Section 2000e-2(a) of the United States Code makes it unlawful for an
8 employer:
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10 (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate
11 against any individual with respect to his compensation, terms, conditions, or
12 privileges of employment, because of such individual's race, color, religion, sex or
national origin;

13 (2) or to limit, segregate, or class(2) or to limit, segregate, or classify his employees in
14 any way which would deprive or tend to deprive any individual of employment
15 opportunities or otherwise adversely affect his status as an employee, because of such
individual's race, color, religion, sex or national origin.

16 28. Pursuant to 42 U.S.C. § 2000e-2(m), an unlawful employment practice is
17 established when the complaining party demonstrates, among other things, that race, color,
18 religion, sex and/or national origin was a motivating factor for any employment practice, even
19 though other factors may have also motivated the practice.

20 29. Mr. Yaquinto was, at all times relevant to his claims herein, qualified for the
21 position he held with CUC and/or for another position with CUC.

22 30. At all times relevant to his claims herein, Mr. Yaquinto adequately performed his
23 job with CUC.
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25 31. The majority of CUC's board member and Mr. Camacho acting at the direction
26 and behest of these Board memebbers, created a hostile work environment for Mr. Yaquinto by
27 shouting at him, making racially charged comments to him, on information and belief by making
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1 comments to other employees and/or officers and directors about him, and by doing other things
2 which, on information and belief, Mr. Camacho and the Board undertook because Mr. Yaquinto
3 was a Caucasian, was white and of European descent.

4 32. On May 25, 2016 Plaintiff's employment with CUC was terminated because of
5 CUC's discriminatory acts based on race, color and national origin

6 33. By reasons of the foregoing acts, Defendant has discriminated against Plaintiff
7 with respect to his compensation, terms, conditions and privileges of employment and ultimately
8 in his termination of employment because of his race, color and national origin, in violation of
9 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.
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11 34. By reason of Defendant's unlawful employment practices, Mr. Yaquinto is
12 entitled to remedies as set forth in 42 U.S.C. § 2000e-5(g) and 42 U.S.C. § 1981a including
13 compensatory and punitive damages for CUC's unlawful, discriminatory conduct in an amount
14 to be determined by a jury after a trial on the merits.
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16 35. Pursuant to 42 U.S.C. § 2000e-5(k), Mr. Yaquinto is also entitled to his costs,
17 including expert costs and reasonable attorney's fees.
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19 **Second Cause of Action – Violation of Civil Rights (CNMI Constitution)**
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21 36. Paragraphs 1-35 of the Complaint are realleged and incorporated here by
22 reference.
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24 37. As a result of Defendant CUC's actions as set forth herein, Mr. Yaquinto has
25 been deprived of liberty and property without due process of law in violation of Article 1
26 Section 5 of the CNMI Constitution; has been denied the equal protection of the laws in
27 violation of Article 1 Section 6 of the CNMI Constitution; has been denied the enjoyment of
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1 civil rights and been discriminated against in the exercise thereof on account of race, national
2 origin and color in further violation of Article 1 Section 6 of the CNMI Constitution; and his
3 right of individual privacy has been infringed in violation of Article 1 Section 10 of the CNMI
4 Constitution.

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7 **Third Cause Of Action Discrimination Based Upon Race, Color**
8 **And National Origin**

9 38. Paragraphs 1-37 of the Complaint are realleged and incorporated here by
10 reference. Plaintiff re-alleges and incorporates paragraphs 1-36.

11 39. The majority of CUC's board members and Mr. Camacho acting as the Board's
12 agent created a hostile work environment for Mr. Yaquinto by shouting at him, making racially
13 charged comments to him, by making comments to other employees, officers and directors about
14 him, and by doing other things which, on information and belief, Mr. Camacho and the Board
15 undertook because Mr. Yaquinto was a Caucasian, white and of European descent.

16 40. The unlawful discrimination committed by CUC was intentional.

17 41. The unlawful discrimination committed by CUC was done with malice and with
18 reckless indifference for Mr. Yaquinto's federally protected rights.

19 42. As a result of CUC and Mr. Camacho's actions, Mr. Yaquinto suffered irreparable
20 injuries, including but not limited to emotion distress, loss of pay, loss of benefits, and other
21 damages for which CUC should compensate Mr. Yaquinto.
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Fourth Cause of Action-Breach Of Contract

43. Paragraphs 1-42 of the Complaint are realleged and incorporated here by reference. Plaintiff re-alleges and incorporates paragraphs 1-41 above.

43. When Mr. Camacho terminated Plaintiff, he did not have the authority or power to do so as Mr. Yaquinto's contract stipulated that his contract could only be terminated by CUC's board of directors.

44. Additionally, Mr. Yaquinto's contract was terminated because of his race, color and national origin.

45. Therefore, when CUC acting through Mr. Camacho terminated Plaintiff he intentionally breached Mr. Yaquinto's contract entitling him to damages, prejudgment interest, loss of benefits and compensatory damages.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 58(b) and 42 U.S.C. § 1981a(c), Mr. Yaquinto demands a jury trial on all issues triable before a jury.


PRAYER

WHEREFORE, Plaintiff prays the Court grant him the following relief:

1. General and incidental and consequential damages in an amount to be proven at trial.
2. An order requiring such affirmative action by Defendant as may be appropriate, including back pay, or any other equitable relief as the court deems appropriate.
3. Compensatory and punitive damages, including but not limited to damages for wages lost, loss of reputation, emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life.
4. Interest.
5. An award of costs (including the costs of experts) and reasonable attorneys' fees; and
6. Such other and further relief as the Court deems just and proper.

VERIFICATION OF COMPLAINT

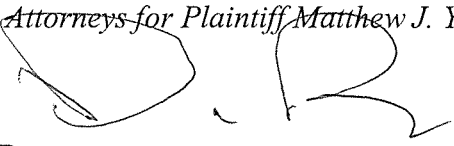
I, MATTHEW J. YAQUINTO hereby certify that I have read and understood the allegations and claims made herein and that I consent to be a party plaintiff herein. I further certify that the factual statements made herein are true and correct to the best of my knowledge and belief and that I verified the accuracy of the above Complaint this 29TH day of December 2017.



MATTHEW J. YAQUINTO
Plaintiff

Respectfully submitted this 29th day of December 2017.

O'CONNOR BERMAN DOTTS & BANES
Attorneys for Plaintiff Matthew J. Yaquinto

By: 
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